

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ESSEX INSURANCE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	02:04cv1632
	)	
PENN COMMONS, INC., PENN	)	
COMMONS, L.P., 525 PENN AVENUE,	)	
L.L.C., general partner of PENN COMMONS,	)	
L.P., GREGORY J. ROSCOE, AND TRICIA	)	
RUNGE,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER OF COURT**

**AND NOW**, this 6th day of September, 2005, upon consideration of the unopposed MOTION FOR SUMMARY JUDGMENT filed by Plaintiff, Essex Insurance Company, (*Document No. 17*) filed on June 2, 2005, it is hereby

**ORDERED, ADJUDGED, AND DECREED** that said Motion is **GRANTED** and summary judgment is entered in favor of Essex Insurance Company.

It is further **ORDERED, ADJUDGED, AND DECREED** as follows:

1. Plaintiff, Essex Insurance Company, has no duty under Policy No. 3CH0194 to defend or pay defense costs to, or on behalf of, Defendants Penn Commons, Inc., Penn Commons, L.P., 525 Penn Avenue L.L.C. or Gregory J. Roscoe, in connection with the Underlying Lawsuit filed by Tricia Runge in the Allegheny County Court of Common Pleas, Civil Division, captioned Runge v. Pennsylvania Institute of Culinary Arts, Inc., et al., G.D. No. 04-020401 (Allegheny County CCP); and

2. Therefore, Essex Insurance Company has no duty to indemnify Defendants Penn Commons, Inc., Penn Commons, L.P., 525 Penn Avenue L.L.C. or Gregory J. Roscoe, for any judgment, settlement, or other award of monies as damages, including punitive damages, in connection with the Underlying Lawsuit filed by Tricia Runge in the Allegheny County Court of Common Pleas, Civil Division, captioned Runge v. Pennsylvania Institute of Culinary Arts, Inc., et al., G.D. No. 04-020401 (Allegheny County CCP), or to pay monies, including any compensatory or punitive damages, on behalf of Defendants Penn Commons, Inc., Penn Commons, L.P., 525 Penn Avenue L.L.C. or Gregory J. Roscoe to Tricia Runge in connection with the Underlying Lawsuit filed by Tricia Runge in the Allegheny County Court of Common Pleas captioned Runge v. Pennsylvania Institute of Culinary Arts, Inc., et al., G.D. No. 04-020401 (Allegheny County CCP).

BY THE COURT:

s/Terrence F. McVerry, Judge  
United States District Court

cc: Gregory S. Capps, Esquire  
Wright & O'Donnell  
15 East Ridge Pike  
Suite 570  
Conshohocken, PA 19428

Marie S. Reilly, Esquire  
Wright & O'Donnell  
Email: mreilly@wright-odonnell.com

Sheila E. O'Donnell, Esquire  
Wright & O'Donnell  
Email: sodonnell@wright-odonnell.com

David R. Johnson, Esquire  
Thomson, Rhodes & Cowie  
Email: drj@trc-law.com

William James Rogers, Esquire  
Thomson, Rhodes & Cowie  
Email: wjr@trc-law.com

Henry Lewis Miller, Esquire  
312 Boulevard of the Allies  
6th Floor  
Pittsburgh, PA 15222

Michael E. Metro, Esquire  
Villanova Law Offices, P.C.  
16 Chatham Square  
Pittsburgh, PA 15219